

EXHIBIT A

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

SENDERRA RX PARTNERS, LLC

Plaintiff,

v.

SPUD SOFTWARE COMPANY,
INC.

Defendant.

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CASE NO. 15-CV-1911

DECLARATION OF MONTY G. MYERS

I, Monty G. Myers, declare as follows:

1. I am over the age of twenty-one and competent to make this declaration.
2. The facts stated in this declaration are within my personal knowledge and are true and correct.
3. I am providing this declaration voluntarily.
4. I am the Chief Executive Officer of Eureka Software, and I provided expert testimony in this matter at the July 6, 2015 hearing on Plaintiff's Motion for Preliminary Injunction (the "July 6th Hearing").
5. In Defendant's Post-Hearing Brief Concerning Plaintiff's Application for Preliminary Injunction, dated July 27, 2015 ("Defendant's Post-hearing Brief"), Defendant Spud Software Company, Inc. ("Spud") made various accusations regarding the authenticity of certain information contained in a demonstrative about which I testified. *See* Defs.' Post-hearing Br. at 19-21 (Dkt. #69). The accusations made in Defendant's Post-hearing Brief are baseless. To be absolutely clear, I did not fabricate any data or information when preparing the demonstratives that I referenced during the July 6th Hearing.

6. As I noted during the July 6th Hearing, Spud produced the 2015 version of the CarePath source materials in a permanently altered and unstructured format. Specifically, I testified that the 2015 version of CarePath source materials produced by Spud “was substantially manipulated in the sense that a lot of the[e] original structure had been erased. And . . . for example, directories, the names of files had all been changed and assigned some gibberish name that we couldn’t understand.” *See* 7/6/2015 Hr’g Tr. 76:13-18.

7. When storing an electronic file onto a computer system, the file must be named, and then you must designate a particular directory or location to house that file. Spud did not provide the original names nor the original/any directory structure for the 2015 CarePath source material files that it produced to Senderra (i.e., Spud did not provide the names of the files as they existed in the 2015 CarePath source materials). Rather, Spud changed the file names to a series of sequential numbers (i.e., 0001-3443, etc.). When copying those files to our computer system, we did not change the file names assigned by Spud. We merely copied those files to the directory /CarePath2015/SourceCode. Thus, the demonstrative shows a directory and filename of “/CarePath2015/SourceCode/00003443.csv.” We do not know the original name or directory of the file, because Spud never provided that information. Spud claims to have searched the CarePath source material in its possession for (i) a filepath/file name (“/CarePath2015/SourceCode/00003443.csv”) based on the location of a file in Eureka’s internal storage and (ii) the sequentially numbered file names (“00003443.csv” or “3443”) created by Spud independently from the original file name. None of these searches would be expected to find any matches within the original unaltered CarePath source materials as such source materials would not involve any names or information based on Eureka’s internal storage or Spud’s sequentially numbered file names.

8. It is important to note that the act of naming a file does nothing to change the contents of that file. For example, I may choose to save this declaration on my computer as the “Declaration of Monty Myers,” yet, should the Court wish to save this declaration to its computer, it may choose to name the file the “Myers Declaration.” The names for the file are different, but the actual file (and all contents thereof) remains unchanged.

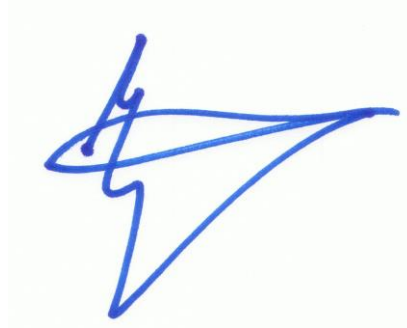
9. The bottom line is that everything reflected in the demonstrative at issue is in the 2015 CarePath source materials that Spud produced to Senderra and that I reviewed.

10. Notably, Spud claims that the actual data contained in the file consists of “fake” information (*See* Defs.’ Post-hearing Br. at 20) as somehow supporting their position that the systems were created independently. However, the fact that both the 2015 CarePath source materials provided to us and the SP1Connect source materials provided to us contain the same “fake” information would tend to support the counter position that the two systems/projects have a shared history.

11. I used appropriate and sound methods when analyzing the 2015 CarePath and SP1Connect source materials. All the information and data contained in the demonstratives that I prepared, and about which I testified, were presented as such information and data appears in the applicable source materials provided to me, which I understand were the materials provided by Spud.

12. Pursuant to 28 U.S.C. § 1746, I verify under penalty of perjury that the foregoing is true and correct.

Executed in Travis County, State of Texas, on the 31st day of July, 2015.

A handwritten signature in blue ink, appearing to be 'Monty G. Myers', is written on a light yellow background. The signature is stylized with a large, sweeping 'M' and a long, horizontal stroke extending to the right.

MONTY G. MYERS